

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LUMBERMEN'S UNDERWRITING  
ALLIANCE,

Plaintiff,

**V.**

PATRICK J. FLEMING, NORTIM  
CORPORATION and NORTIM PLUS  
CORPORATION,

Defendants.

Civil Action No. 00-CV-1444

Judge Donetta W. Ambrose

(related to C.A. No. 94-CV-1169)

TO: THE CLERK OF COURT

## REQUEST FOR ENTRY OF DEFAULT JUDGMENTS IN REVIVAL

Plaintiff, Lumbermen’s Underwriting Alliance (“Lumbermen’s”), by and through its attorneys, pursuant to Federal Rule of Civil Procedure 55(b)(1), hereby files this Request for Entry of Default Judgments in Revival and, in support hereof, states as follows:

1. On July 26, 2005, Lumbermen's filed six (6) Praecipes for Writs of Revival of Judgment to revive, and continue the lien of, the unsatisfied judgments originally entered at Civil Action No. 94-CV-1169 and revived at Civil Action No. 00-CV-1444 on July 28, 2000.
2. On July 26, 2005, the Clerk of Court issued Writs of Revival against the Defendants, Patrick J. Fleming, Nortim Corporation and Nortim Plus Corporation.
3. On August 4, 2005, Defendant Patrick J. Fleming was served with a copy of certain of the Writs of Revival of Judgments via certified mail, restricted delivery. See the Returns of Service filed with the Court on September 27, 2005.

4. On August 4, 2005, Defendant Nortim Corporation was served with a copy of certain of the Writs of Revival of Judgments via certified mail, restricted delivery, c/o Patrick J. Fleming, the President and CEO of Nortim Corporation

5. On August 4, 2005, Defendant Nortim Plus Corporation was served with a copy of certain of the Writs of Revival of Judgments via certified mail, restricted delivery, c/o Patrick J. Fleming, the President and CEO of Nortim Plus Corporation.

6. On September 13, 2005, pursuant to PA. R.C.P. 237.1, ten (10) day Notices of Intent To Enter Judgments were mailed to Defendants Patrick J. Fleming, Nortim Corporation and Nortim Plus Corporation via regular U.S. mail and certified mail as evidenced by Exhibit A attached hereto.

7. The Defendants' response to the Writs of Revival of Judgments were due on September 26, 2005.

8. Despite service, the Defendants did not file an answer or other responsive pleading.

9. Accordingly, Lumbermen's respectfully requests that the Clerk of Court enter default money judgments in revival against the Defendants and index the judgments in the judgment index as follows:

(i) revival of judgment against Patrick J. Fleming, Nortim Corporation and Nortim Plus Corporation, jointly and severally, in the amount of Forty-one Thousand Seven Hundred Seventy-two and 70/100 Dollars (\$41,772.70), with interest from August 18, 1995, plus costs;

(ii) revival of judgment against Patrick J. Fleming, Nortim Corporation and Nortim Plus Corporation, jointly and severally, in the amount of Thirty-seven Thousand Two Hundred Twenty and 47/100 Dollars (\$37,220.47), with interest from September 28, 1995, plus costs;

(iii) revival of judgment against Patrick J. Fleming, Nortim Corporation and Nortim Plus Corporation, jointly and severally, in the amount of Two Thousand Dollars (\$2,000.00), with interest from September 28, 1995, plus costs;

(iv) revival of judgment against Patrick J. Fleming, Nortim Corporation and Nortim Plus Corporation, jointly and severally, in the amount of Ninety-eight Thousand Four Hundred Seventeen and 06/100 Dollars (\$98,417.06), with interest from October 10, 1995, plus costs.

(v) revival of judgment against Nortim Corporation and Nortim Plus Corporation, jointly and severally, in the amount of Three Million Seven Hundred Twenty-nine Thousand Nine Hundred One and 71/100 (\$3,729,901.71), with interest from November 22, 1995, plus costs; and

(vi) revival of judgment against Patrick J. Fleming in the amount of Nine Hundred Fifty-seven Thousand Three Hundred Forty-eight and 48/100 Dollars (\$957,348.48), with interest from November 22, 1995, plus costs.

WHEREFORE, Plaintiff, Lumbermen's Underwriting Alliance, respectfully requests that the Clerk of Court enter default money judgments in revival against the Defendants and index the judgments in the judgment index as follows:

(i) revival of judgment against Patrick J. Fleming, Nortim Corporation and Nortim Plus Corporation, jointly and severally, in the amount of Forty-one Thousand Seven Hundred Seventy-two and 70/100 Dollars (\$41,772.70), with interest from August 18, 1995, plus costs;

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ECKERT SEAMANS CHERIN & MELLOTT, LLC

By: Peter N. Pross

James H. Norris  
Pa. I.D. No. 28348  
Peter N. Pross  
Pa. I.D. No. 36890  
600 Grant Street, 44<sup>th</sup> Floor  
Pittsburgh, PA 15219  
(412) 566-6000

Attorneys for Plaintiff

Dated: October 3, 2005

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LUMBERMEN'S UNDERWRITING  
ALLIANCE,

Plaintiff,

v.

PATRICK J. FLEMING, NORTIM  
CORPORATION and NORTIM PLUS  
CORPORATION,

Defendants.

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AFFIDAVIT FOR DEFAULT JUDGMENTS

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF ALLEGHENY

SS:

Peter N. Pross, Esquire, with the law firm of Eckert Seamans Cherin & Mellott, LLC, being duly sworn says that he and the firm are attorneys for Plaintiff in the above-entitled action; that the Defendants are not minors, nor incompetent persons, nor current members of the military service, that the amounts due Plaintiff are the amounts as set forth in the Request for Entry of Default Judgments in Revival; that the defaults of the Defendants have been entered for failure to appear in the action; that the amounts shown in the Request for Entry of Default Judgments in Revival are due and owing and that said amounts have not been paid.

Peter N. Pross 10/3/05  
Peter N. Pross

Sworn to and subscribed before me  
this 3rd day of October,  
2005.

Mary Louise Duttine  
Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal  
Mary Louise Duttine, Notary Public  
City Of Pittsburgh, Allegheny County  
My Commission Expires Aug. 29, 2007

Member, Pennsylvania Association Of Notaries

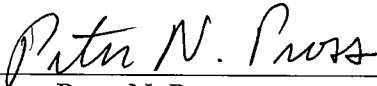
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Request for Entry of Default Judgments in Revival was served on the following by first-class U.S. mail, postage prepaid, this 3<sup>rd</sup> day of October, 2005.

Patrick J. Fleming  
3336 Ivanhoe Street  
Pittsburgh, PA 15241

Nortim Corporation  
c/o Patrick J. Fleming, President/CEO  
3336 Ivanhoe Street  
Pittsburgh, PA 15241

Nortim Plus Corporation  
c/o Patrick J. Fleming, President/CEO  
3336 Ivanhoe Street  
Pittsburgh, PA 15241

  
Peter N. Pross